

(7/93)

UNITED STATES DISTRICT COURT

for

WESTERN DISTRICT OF TEXAS - WACO

FILED
OCT 03 2012
CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY *[Signature]* DEPUTY CLERK

**Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender**
(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: John Thomas Taylor

Case Number: W-11-CR-202(01)

Name of Sentencing Judicial Officer: United States District Judge Walter S. Smith, Jr.

Date of Original Sentence: January 11, 2012

Original Offense: Distribution of "Crack" Cocaine, a Schedule II Narcotic Drug Controlled Substance - 21 U.S.C. § 841(a)(1) and (b)(1)(C)

Original Sentence: Twelve mos. and one day custody; three years TSR; \$100 special assessment (\$100 balance); \$1,000 fine (\$1,000 balance); substance abuse treatment

Type of Supervision: Supervised Release

Date Supervision to Commence: October 5, 2012

PREVIOUS COURT ACTION

None.

PETITIONING THE COURT

To modify the conditions of supervision as follows:

The defendant shall reside in a Residential Re-Entry Center for a period of up to six months to commence on a date to be determined by the U.S. Probation Officer. In addition, the defendant shall abide by the rules of the Residential Re-Entry Center. Further, once employed, the defendant shall pay 25% of his weekly gross income for his subsistence as long as that amount does not exceed the daily contract rate.

The defendant shall pay the entire balance of the monetary obligation at the rate of no less than \$35.00 per month due by the third day of each month beginning in November 2012. The Court imposed payment schedule shall not prevent statutorily authorized collection efforts by the United States Attorney. The defendant shall cooperate fully with the United States Attorney and the United States Probation Office to make payment in full as soon as possible.

The defendant has waived his right to a hearing and counsel.

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CAUSE

The defendant's release plan just fell through, he has no place else to go, and he is scheduled to release from the Residential Re-entry Center (RRC) in Waco, to supervised release on October 5, 2012. Presently, the RRC has bed space available for him through December 3, 2012; however the wording used was "up to six months" in case they can keep him longer, or to let him leave sooner, if another viable residence is established.

The Fifth Circuit concluded it was not permissible for the Court to delegate to the United States Probation Office the authority to establish a payment schedule for any court-ordered financial obligations. *United States v. Albro*, 32 F.3d 173 (5th Cir. 1994).

Approved by:

Kevin O'Farley for

 LA DONNA JACKSON REYNA
 Supervising U.S. Probation Officer

Respectfully submitted,

Susan Moore

 SUSAN MOORE
 U.S. Probation Officer
 October 2, 2012

THE COURT ORDERS:

- No action
- The modification of conditions as noted above.
- Other

Walter S. Smith Jr.

 WALTER S. SMITH, JR.
 United States District Judge

Date

10/3/12

PROB 49
(3/89)

UNITED STATES DISTRICT COURT
Western District of Texas

Waiver of Hearing to Modify Conditions of Supervised Release

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Supervised Release. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the Court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Supervised Release.

The defendant shall reside in a Residential Re-Entry Center for a period of up to six months to commence on a date to be determined by the U.S. Probation Officer. In addition, the defendant shall abide by the rules of the Residential Re-Entry Center. Further, once employed, the defendant shall pay 25% of his weekly gross income for his subsistence as long as that amount does not exceed the daily contract rate.

SIGNED the 2nd day of October, 2012.

SM
Susan Moore
U. S. Probation Officer

John Thomas Taylor
John Thomas Taylor
Dkt. No. W-11-CR-202(01)

PROB 49
(3/89)

United States District Court
Western District of Texas

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